

## REMARKS

This is intended as a full and complete response to the *Examiner's Answer dated August 4, 2006*, having a statutory period for response set to expire on October 4, 2006. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-36 are pending in the application. Claims 1-36 remain pending following entry of this response. Claims 11-20 have been amended for clarification. Applicants submit that the amended claims do not introduce new matter.

### Claim Rejections - 35 U.S.C. § 101

Claims 1-36 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Examiner asserts that claims 11-20 are not statutory because the claims are directed to a signal-bearing medium and lack a storage medium that enables any underlying functionality to occur. Applicants respectfully submit that the claims, as amended for clarification, are directed to statutory subject matter. Specifically, the amended claims describe a computer-readable storage medium. Accordingly, withdrawal of the rejection and allowance of the claims is respectfully requested.

### Claim Rejections - 35 U.S.C. § 103

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Birnbaum et al.* (U.S. 2002/0143878 A1, hereinafter *Birnbaum*) in view of *Smith et al.* (U.S. 6,578,078, hereinafter *Smith*). Applicants respectfully traverse the rejection.

In the present Examiner's Answer, the Examiner maintains the previously asserted rejection under 35 U.S.C. Sec. 103(a). Applicants respectfully maintain that the present claims are allowable for the reasons provided in the Arguments section of Applicants' *Appeal Brief filed May 15, 2006*, hereby incorporated by reference in its entirety. Accordingly, withdrawal of the rejection and allowance of the claims is respectfully requested.

### CONCLUSION

Having addressed all issues set out in the Examiner's Answer, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

/Gero G. McClellan, Reg. No. 44,227/  
Gero G. McClellan  
Registration No. 44,227  
Patterson & Sheridan, L.L.P.  
3040 Post Oak Blvd. Suite 1500  
Houston, TX 77056  
Telephone: (713) 623-4844  
Facsimile: (713) 623-4846  
Attorney for Appellant(s)